

EXHIBIT D

BMW/00000172

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BMS - 0009144

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BMSAWP/0000574



Plaintiffs' Exhibit
210
01-12257-PBS

APOTHECON
INTRODUCES

Albuterol
INHALANT

Albuterol
Inhalation
Aerosol

17 g

200 Metered Inhalations

For oral inhalation only.
Not for nebulizer use.

Each canister contains a metered dose of albuterol in propylene glycol propylene carbonate and propylene glycol monoglycidyl ether. Clear and colorless liquid for oral inhalation only.

Albuterol Phosphate. Each metered dose of inhalation from the package contains 100 micrograms of albuterol sulfate.

ALBUTEROL SULFATE MMF

DESCRIPTION	NDC NUMBER	LIST	CASE PACK	AWP*
Albuterol Inhalant Kit 17g	59772-61752	617520	12	\$21.42
Albuterol Inhalant Refill 17g	59772-61751	617510	12	\$19.75

*Anticipated AWP. Actual AWP is set by independent pricing services.

• Competitively Priced
• Available in Kits and Refills
• Quality Service from Apothecon,
the Generic Division of Bristol-Myers Squibb

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ORDERING INFORMATION
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BMYIPLB/D07/D75/0000173
05/96

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BMSAWP/0000575

Subject: Re: Albuterol _____ Reply Separator _____
Author: Jonathan A Zalk at "PGRSM13P"
Date: 8/22/96 11:27 AM

Awilda:

Due to competitive pressure, we have had to reduce our pricing since the beginning of August.

The cc Mail prices of \$10.00 and 9.20 for the kit and refill respectively are correct.

Please let me know if you have any additional questions.

Thanks,

Jon

Subject: Albuterol _____ Reply Separator _____
Author: Awilda M Serrano at "PGRSM36P"
Date: 8/22/96 9:38 AM

Jon,

There is a discrepancy between the Special Offer prices on the August 1, 1996 signed-off memo (where Sam Barker and Mark Durand appear to have signed off 8-15-96) and the Special Offer prices in the cc:mail Denise received.

i.e.:

		Wholesale	
		Special Offer	
Memo:	Albuterol 6175-10	\$12.25	
	6175-20	\$10.05	

vs.

cc:mail:	Albuterol 6175-10	\$10.00
	6175-20	\$ 9.20

A Special Offer is being created to reflect the prices on the "Memo", if they are incorrect please let me know so we can make the adjustments necessary.

Thank you,

Awilda

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BMY/PLB/007/075/0000174

BMS - 0009146

BMSAWP/0000576

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BMS-0009148

BMSAWP/0000578

* ALBUTEROL INHALENT

7-10-1990 1-5477 b6 b7c b7d b7e

NO. 775 P.3

DESCRIPTION	NDC #	LIST #	DIRECT LIST PRICE	WHOLESALE LIST PRICE	ANTICIPATED AWP*	WHOLESALE S.O.
ALBUTEROL INHALENT KIT 17G	59772-6175-42	617548-20	\$18.04	\$17.14	\$21.42	\$12.25
ALBUTEROL INHALENT RSP 17G	59772-6175-41	617549-10	\$16.63	\$15.80	\$19.75	\$10.05

* Anticipated AWP=Actual AWP's are set independently by pricing publishers such as First Data Bank and Redbook.

A. 1/25/01, A. 1/25/01

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BMY/PLB/007/075/0000175

BMS - 0009149

BMSAWP/0000579

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Memorandum

APOTHECON

To: D. Kaszuba
J. Zalk
From: M. Campion
Subject: Albuterol Pricing
Date: August 1, 1996
CC: N. DiMato
F. Hamer
S. Tariff

Debra,

Attached please find all necessary pricing information for Apothecon's albuterol. Effective immediately, please add albuterol to all wholesale pricing levels at the special offer prices shown.

Thank you for your assistance in this matter.

Approved: _____
Nick DiMato Date

Approved: _____
Scott Tariff Date

JZ

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BMSAWP/0000580

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FACSIMILE

TO: Avilda
Thanks!



FROM: Jonathan Zalk
Apotheon, Bristol-Myers Squibb Co.
(609) 897-2444

FAX: (609) 897-6349

No. of Pages (incl. coversheet): 3

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BMSAWP/0000581

Author: Awilda M Serrano at "PGRSM36P
Date: 8/16/96 10:31 AM
Priority: Normal
Receipt Requested
TO: Janet M Griffith at "PGRCB01P
CC: Denise M Kaszuba at "PGRSM34P
Subject: Special Offers

Message Contents

Janet,

Denise has asked that in her absence I communicate the following to you:
Please add the following List Nos to Special Offer 300:

Item No.

617510
617520

Also add the following list nos. and list prices to Special Offer 299:

Item no.	Price
617510	\$18.94
617520	\$17.46

This should be effective immediately.

Thank you

Awilda

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BMSAWP/0000582

Memorandum

APOTHECON

To: S. Barker
J. Zalk
From: *Albuterol Wholesale Pricing*
Subject:

Date: August 1, 1996
C.C.: L. Burg
M. Campion
N. DiMaio
M. Durand
F. Hamer
S. Tarriff

RECOMMENDATION: It is recommended that the attached wholesale list prices be established for Apothecon's albuterol.

BACKGROUND: To accomplish a rapid market introduction of albuterol, wholesale list prices must be established. These wholesale prices do not reflect actual selling prices, as albuterol will be sold primarily at contract or special offer pricing. Apothecon's wholesale special offer pricing for albuterol matches Warrick and Zenith, the two albuterol market leaders.

ACTION: Please approve the attached wholesale list prices for Apothecon's albuterol.

APPROVED: J 8/1/96
Nick DiMaio Date

APPROVED: J 8/1/96
Scott Tarriff Date

APPROVED: M E Campion 8/1/96
Mary Ellen Campion Date

APPROVED: L Burg 8/1/96
Lee Burg Date

APPROVED: S Barker 8/1/96
Sam Barker Date

APPROVED: F Hamer 8/1/96
Fran Hamer Date

APPROVED: M Durand 8/1/96
Mark Durand Date

JZ

Attachment

BMS - 0009153

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BMSAWP/0000583

ALBUTEROL INHALENT

DESCRIPTION	NDCY	LIST #	DIRECT LIST PRICE	WHOLESALE LIST PRICE	ANTICIPATED AWP*	WHOLESALE AWP*	S.O.
ALBUTEROL INHALENT KIT 17G	59772-61751	617510	\$18.04	\$17.14	\$21.42	\$12.25	
ALBUTEROL INHALENT REF 17G	59772-61752	617520	\$16.63	\$15.80	\$19.75	\$19.05	

* Anticipated AWP. Actual AWP's are set independently by pricing publishers such as First Data Bank and Redbook.

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Author: Jonathan A Zalk at "PGRSM13P
Date: 8/22/96 11:27 AM
Priority: Normal
CC: Denise K Kaszuba at "PGRSM34P
TO: Awilda M Serrano at "PGRSM36P
CC: Nicholas Dimic
CC: George Stevenson at "PGRSH12P
Subject: Re: Albuterol

----- Message Contents -----

Awilda:

Due to competitive pressure, we have had to reduce our pricing since the beginning of August.

The cc Mail prices of \$10.00 and 9.20 for the kit and refill respectively are correct.

Please let me know if you have any additional questions.

Thanks,

Jon

----- Reply Separator -----

Subject: Albuterol
Author: Awilda M Serrano at "PGRSM36P
Date: 8/22/96 9:38 AM

Jon,

There is a discrepancy between the Special Offer prices on the August 1, 1996 signed-off memo (where Sam Barker and Mark Durand appear to have signed off 8-15-96) and the Special Offer prices in the cc:mail Denise received.

i.e.:

	Wholesale	
Memo:	Special Offer	
Albuterol 6175-10	\$12.25	
6175-20	\$10.05	

VS.

cc:mail:	Albuterol 6175-10	\$10.00
	6175-20	\$ 9.20

A Special Offer is being created to reflect the prices on the "Memo", if they are incorrect please let me know so we can make the adjustments necessary.

Thank you,

Awilda

BMS - 0009155

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BMSAWP/0000585

ALBUTEROL INHALANT

DESCRIPTION	NDC #	LIST #	DIRECT LIST PRICE	WHOLESALE LIST PRICE	ANTICIPATED AWP ^a	WHOLESALE S.O.
ALBUTEROL INHALANT KIT 17G	59772-6175-2	617520	\$18.04	\$17.14	\$21.42	\$8.31
ALBUTEROL INHALANT REEF 17G	59772-6175-1	617510	\$16.63	\$15.80	\$19.75	\$7.70

^a Anticipated AWP/Actual AWP's are set independently by pricing publishers such as First Data Bank and Redbook.

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2/99
2/99
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BMS/PP-B/007/075/0000182

BMSAWP/0000586

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Author: Jonathan A Zalk at "PGRSM13P
Date: 8/22/96 4:47 PM
Priority: Urgent
CC: Denise M Kaszuba at "PGRSM34P
CC: Nicholas Dimaio
CC: George Stevenson at "PGRSM12P
TO: Awilda M Serrano at "PGRSM36P
Subject: Re[4]: Albuterol

Message Contents

Awilda/Denise:

Due to additional market pressure, we have had to lower our albuterol wholesale pricing once again as follows:

NDC	List	Description	
59772-6175-2	6175-20	Albuterol 17g Kit	8.31
59772-6175-1	6175-10	Albuterol 17g Refill	7.70

PLEASE NOTE THE CHANGE IN NDC AND LIST NUMBERS.

The NDC's and list #'s were originally reversed (i.e. the refill's NDC and List #'s were actually those of the kit and vice versa).

Attached is an updated worksheet with all wholesale pricing.

Please let me know if you have any questions.

Thanks,

Jon
Subject: Re[3]: Albuterol
Author: Awilda M Serrano at "PGRSM36P
Date: 8/22/96 2:22 PM

Jon,

Please disregard my previous message.

I just need any price changes to the Wholesale and/or Direct List Prices, if any.

I apologize for the confusion.

Thank you,

Awilda

Subject: Re[2]: Albuterol Reply Separator
Author: Awilda M Serrano at "PGRSM36P
Date: 8/22/96 12:06 PM

Jon,

Does this mean that the Wholesale and Direct list prices have also changed? The Retail Special Offer price is calculated based on the Direct Price.

Please let me know.

Thank you,

Awilda

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BMYIPLB/007/075/0000183

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